

**Chapter 388-101 WAC**  
**CERTIFIED COMMUNITY RESIDENTIAL SERVICES AND SUPPORTS**

Last Update: 11/25/19

WAC

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

388-101-1010 What is the purpose of this chapter? [WSR 05-05-077, recodified as § 388-101-1010, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-010, filed 10/26/01, effective 1/1/02. WSR 99-19-104, recodified as § 388-820-010, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapters 18.88A and 71A.12 RCW. WSR 96-10-076 (Order 3978), § 275-26-010, filed 5/1/96, effective 6/1/96. Statutory Authority: RCW 71A.12.080. WSR 91-17-005 (Order 3230), § 275-26-010, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. WSR 83-05-017 (Order 1945), § 275-26-010, filed 2/9/83.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1020 What definitions apply to this chapter? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. WSR 05-10-086, § 388-101-1020, filed 5/3/05, effective 6/3/05. WSR 05-05-077, recodified as § 388-101-1020, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-020, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-020, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-020, filed 10/26/01, effective 1/1/02; WSR 99-19-104, recodified as § 388-820-020, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. WSR 91-17-005 (Order 3230), § 275-26-020, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. WSR 86-08-003 (Order 2349), § 275-26-020, filed 3/20/86; WSR 83-05-017 (Order 1945), § 275-26-020, filed 2/9/83.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1100 Abuse and neglect reporting requirements. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-09-090 and 06-11-103, § 388-101-1100, filed 4/19/06 and 5/17/06, effective 10/1/06. WSR 05-05-077, recodified as § 388-101-1100, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-440, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-440, filed 10/26/01, effective 1/1/02.] Repealed by WSR 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1101 Abuse and neglect reporting requirements. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-18-038, § 388-101-1101, filed 8/29/06, effective 10/1/06.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1105 Investigation of mandated reports. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-09-090 and 06-11-103, § 388-101-1105, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by WSR 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1106 Investigation of mandated reports. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-18-038, § 388-101-1106, filed 8/29/06, effective 10/1/06.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1110 Notice of an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-09-090 and 06-11-103, § 388-101-1110, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by WSR 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1111 Notice of an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-18-038, § 388-101-1111, filed 8/29/06, effective 10/1/06.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1115 Reporting initial findings. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-09-090 and 06-11-103, § 388-101-1115, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by WSR 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1116 Reporting initial findings. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-18-038, § 388-101-1116, filed 8/29/06, effective 10/1/06.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1120 Disputing an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-09-090 and 06-11-103, § 388-101-1120, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by WSR 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1121 Disputing an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-18-038, § 388-101-1121, filed 8/29/06, effective 10/1/06.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1125 Disclosure of investigative and finding information. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-09-090 and 06-11-103, § 388-101-1125, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by WSR 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1126 Disclosure of investigative and finding information. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-18-038, § 388-101-1126, filed 8/29/06, effective 10/1/06.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1130 Hearing procedures to dispute an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-09-090 and 06-11-103, § 388-101-1130, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by WSR 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1131 Hearing procedures to dispute an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-18-038, § 388-101-1131, filed 8/29/06, effective 10/1/06.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1135 Appeal of the administrative law judge's initial order on a finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-09-090 and 06-11-103, § 388-101-1135, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by WSR 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1136 Appeal of the administrative law judge's initial order on a finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-18-038, § 388-101-1136,

filed 8/29/06, effective 10/1/06.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1140 Finalizing an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-09-090 and 06-11-103, § 388-101-1140, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by WSR 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1141 Finalizing an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-18-038, § 388-101-1141, filed 8/29/06, effective 10/1/06.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1145 Reporting final findings. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-09-090 and 06-11-103, § 388-101-1145, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by WSR 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1146 Reporting final findings. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-18-038, § 388-101-1146, filed 8/29/06, effective 10/1/06.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1180 What are residential services? [WSR 05-05-077, recodified as § 388-101-1180, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-030, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-030, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-030, filed 10/26/01, effective 1/1/02; WSR 99-19-104, recodified as § 388-820-030, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. WSR 91-17-005 (Order 3230), § 275-26-022, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 34.05.220 (1)(a) and 71.12.030 [71A.12.030]. WSR 90-04-074 (Order 2997), § 275-26-022, filed 2/5/90, effective 3/1/90. Statutory Authority: Chapter 72.33 RCW. WSR 83-05-017 (Order 1945), § 275-26-022, filed 2/9/83.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1190 Who certifies residential services? [WSR 05-05-077, recodified as § 388-101-1190, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-040, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-040, filed 10/26/01, effective 1/1/02; WSR 99-19-104, recodified as § 388-820-040, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. WSR 91-17-005 (Order 3230), § 275-26-050, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. WSR 83-05-017 (Order 1945), § 275-26-050, filed 2/9/83.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1200 Where are residential services provided? [WSR 05-05-077, recodified as § 388-101-1200, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-050, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-050, filed 10/26/01, effective 1/1/02. WSR 99-19-104, recodified as § 388-820-050, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. WSR 91-17-005 (Order 3230), § 275-26-060, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. WSR 83-05-017 (Order 1945), § 275-26-060, filed 2/9/83.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1205 Where are crisis diversion services provided? [WSR 05-07-138, recodified as § 388-101-1205, filed 3/22/05, effective 3/22/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-056, filed 1/29/04, effective 2/29/04.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1210 Who may receive residential services? [WSR 05-05-077, recodified as § 388-101-1210, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-060, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-060, filed 10/26/01, effective 1/1/02. WSR 99-19-104, recodified as § 388-820-060, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. WSR 91-17-005 (Order 3230), § 275-26-070, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. WSR 83-05-017 (Order 1945), § 275-26-070, filed 2/9/83.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1220 What physical and safety requirements exist for residential services? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. WSR 05-10-086, § 388-101-1220, filed 5/3/05, effective 6/3/05. WSR 05-05-077, recodified as § 388-101-1220, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-070, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-070, filed 10/26/01, effective 1/1/02. WSR 99-19-104, recodified as § 388-820-070, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. WSR 91-17-005 (Order 3230), § 275-26-072, filed 8/9/91, effective 9/9/91.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1230 How must service providers assist clients in regulating water temperature? [WSR 05-05-077, recodified as § 388-101-1230, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-076, filed 1/29/04, effective 2/29/04.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1240 What are supported living services? [WSR 05-05-077, recodified as § 388-101-1240, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-080, filed 10/26/01, effective 1/1/02. WSR 99-19-104, recodified as § 388-820-080, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapters 18.88A and 71A.12 RCW. WSR 96-10-076 (Order 3978), § 275-26-074, filed 5/1/96, effective 6/1/96.]

Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

- 388-101-1250 What are crisis diversion services? [WSR 05-05-077, recodified as § 388-101-1250, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-086, filed 1/29/04, effective 2/29/04.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1260 What are group homes? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. WSR 05-10-086, § 388-101-1260, filed 5/3/05, effective 6/3/05. WSR 05-05-077, recodified as § 388-101-1260, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-090, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-090, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-090, filed 10/26/01, effective 1/1/02; WSR 99-19-104, recodified as § 388-820-090, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapters 18.88A and 71A.12 RCW. WSR 96-10-076 (Order 3978), § 275-26-076, filed 5/1/96, effective 6/1/96.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1400 When must a service provider document a client's refusal to participate in services? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. WSR 05-10-086, § 388-101-1400, filed 5/3/05, effective 6/3/05. WSR 05-05-077, recodified as § 388-101-1400, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-100, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-100, filed 10/26/01, effective 1/1/02. WSR 99-19-104, recodified as § 388-820-100, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. WSR 91-17-005 (Order 3230), § 275-26-087, filed 8/9/91, effective 9/9/91.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1410 May a service provider offer services to nonclients in the same household as clients? [WSR 05-05-077, recodified as § 388-101-1410, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-110, filed 10/26/01, effective 1/1/02. WSR 99-19-104, recodified as § 388-820-110, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapter 72.33 RCW. WSR 83-05-017 (Order 1945), § 275-26-097, filed 2/9/83.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1420 Who pays for a client's residential services? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. WSR 05-10-086, § 388-101-1420, filed 5/3/05, effective 6/3/05. WSR 05-05-077, recodified as § 388-101-1420, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-120, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-120, filed 10/26/01, effective 1/1/02. WSR 99-19-104, recodified as § 388-820-120, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. WSR 91-17-005 (Order 3230), § 275-26-107, filed 8/9/91, effective 9/9/91.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1430 When may a service provider receive initial set-up funds from DSHS? [WSR 05-05-077, recodified as § 388-101-1430, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-130, filed 10/26/01, effective 1/1/02. WSR 99-19-104, recodified as § 388-820-130, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. WSR 91-17-005 (Order 3230), § 275-26-115, filed 8/9/91, effective 9/9/91.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1440 What are the different types of certification? [WSR 05-05-077, recodified as § 388-101-1440, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-140, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-140, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1460 When may RCS grant initial certification to an agency? [WSR 05-05-077, recodified as § 388-101-1460, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-150, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-150, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1470 How does an agency apply for initial certification? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. WSR 05-10-086, § 388-101-1470, filed 5/3/05, effective 6/3/05. WSR 05-05-077, recodified as § 388-101-1470, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-160, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-160, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1480 What happens after an agency receives initial certification? [WSR 05-05-077, recodified as § 388-101-1480, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-170, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1490 May initial certification be extended for a service provider? [WSR 05-05-077, recodified as § 388-101-1490, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-180, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-180, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1500 How does a service provider receive regular certification? [WSR 05-05-077, recodified as § 388-101-1500, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-190, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-190, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

- tive 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-190, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1510 How often are reviews and evaluations done for service providers? [WSR 05-05-077, recodified as § 388-101-1510, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-200, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-200, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1520 What occurs during review and evaluation? [WSR 05-05-077, recodified as § 388-101-1520, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-210, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-210, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1530 May service providers disagree with evaluation findings? [WSR 05-05-077, recodified as § 388-101-1530, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-220, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-220, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1540 May a service provider receive provisional certification? [WSR 05-05-077, recodified as § 388-101-1540, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-230, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-230, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-230, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1550 When may RCS decertify a service provider? [WSR 05-05-077, recodified as § 388-101-1550, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-240, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-240, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1600 What are administrators of service providers required to do? [WSR 05-05-077, recodified as § 388-101-1600, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-250, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-250, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1610 What type of administrative documents are service providers required to have? [WSR 05-05-077, recodified as § 388-101-1610, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-260, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-260, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-260, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1620 What are the requirements for personnel policies? [WSR 05-05-077, recodified as § 388-101-1620, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-270, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1630 What nondiscrimination requirements must agencies and service providers meet? [WSR 05-05-077, recodified as § 388-101-1630, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-280, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1640 What staffing requirements must service providers meet? [WSR 05-05-077, recodified as § 388-101-1640, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-290, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-290, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-290, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1650 May clients instruct and support other clients? [WSR 05-05-077, recodified as § 388-101-1650, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-300, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-300, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1660 Who needs background checks? [WSR 05-05-077, recodified as § 388-101-1660, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-310, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-310, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-310, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1670 What are the minimum requirements for staff employed by service providers? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. WSR 05-10-086, § 388-101-1670, filed 5/3/05, effective 6/3/05. WSR 05-05-077, recodified as § 388-101-1670, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-320, filed 1/29/04, effective 2/29/04. Statutory Authority: Ti-

388-101-1680 tle 71A RCW. WSR 01-22-020, § 388-820-320, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW. What staff training is required? [WSR 05-05-077, recodified as § 388-101-16800, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-330, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-330, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-330, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1690 How often must performance reviews be conducted for staff of service providers? [WSR 05-05-077, recodified as § 388-101-1690, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-340, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-340, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1700 When must service providers have staff-coverage schedules approved by DDD? [WSR 05-05-077, recodified as § 388-101-1700, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-350, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-350, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1710 What happens when a service provider's ownership changes? [WSR 05-05-077, recodified as § 388-101-1710, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-360, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-360, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1720 When may a client's service provider change? [WSR 05-05-077, recodified as § 388-101-1720, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-370, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1730 Are clients' records considered confidential? [WSR 05-05-077, recodified as § 388-101-1730, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-380, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1740 How long does a service provider need to keep client records? [WSR 05-05-077, recodified as § 388-101-1740, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-390, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1750 What information do service providers need to keep in client records? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. WSR 05-10-086, § 388-101-1750, filed 5/3/05, effective 6/3/05. WSR 05-05-077, recodified as § 388-101-1750, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-400, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-400, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-400, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1760 What information do crisis diversion service providers need to keep in client records? [WSR 05-05-077, recodified as § 388-101-1760, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-405, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-405, filed 1/29/04, effective 2/29/04.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1770 Do service providers need to keep client's property records? [WSR 05-05-077, recodified as § 388-101-1770, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-410, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-410, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1780 Are there requirements for record entries? [WSR 05-05-077, recodified as § 388-101-1780, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-420, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1790 Who must service providers notify in emergencies? [WSR 05-05-077, recodified as § 388-101-1790, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-430, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-430, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1800 What are client services? [WSR 05-05-077, recodified as § 388-101-1800, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-450, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1810 What health and safety support may a service provider offer to a client? [WSR 05-05-077, recodified as § 388-101-1810, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-460, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1820 What support may a service provider offer to a client to increase personal power and choices? [WSR 05-05-077, recodified as § 388-101-1820, filed 2/15/05, effective 2/15/05.]

Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-470, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1830 What support may a service provider offer to increase a client's competence and self-reliance? [WSR 05-05-077, recodified as § 388-101-1830, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-480, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1840 How may service providers assist clients in gaining positive recognition? [WSR 05-05-077, recodified as § 388-101-1840, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-490, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1850 What support may a service provider offer to increase the positive relationships in the client's life? [WSR 05-05-077, recodified as § 388-101-1850, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-500, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1860 How may a service provider assist clients with becoming integrated into their community? [WSR 05-05-077, recodified as § 388-101-1860, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-510, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1870 What is an individual service plan/plan of care (ISP/POC) for clients? [WSR 05-05-077, recodified as § 388-101-1870, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-520, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-520, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1880 Who is responsible for completing and overseeing a client's ISP/POC? [WSR 05-05-077, recodified as § 388-101-1880, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-530, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-530, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1890 Who may participate in creating a client's ISP/POC? [WSR 05-05-077, recodified as § 388-101-1890, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-540, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-540, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1900 How often must the ISP/POC be reviewed? [WSR 05-05-077, recodified as § 388-101-1900, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-550, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-550, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-550, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2000 What plans must crisis diversion service providers develop? [WSR 05-05-077, recodified as § 388-101-2000, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-555, filed 1/29/04, effective 2/29/04.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2010 What is an individual instruction and support plan (IISP) for clients? [WSR 05-05-077, recodified as § 388-101-2010, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-560, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-560, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-560, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2020 Who may participate in developing the IISP for each client? [WSR 05-05-077, recodified as § 388-101-2020, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-570, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2030 Who oversees the IISP for each client? [WSR 05-05-077, recodified as § 388-101-2030, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-580, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2040 May a service provider manage a client's funds? [WSR 05-05-077, recodified as § 388-101-2040, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-590, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2050 May a service provider hold bankbooks and bankcards for a client? [WSR 05-05-077, recodified as § 388-101-2050, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-600, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-600, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2060 May a service provider combine agency and client funds? [WSR 05-05-077, recodified as § 388-101-2060, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-610, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2070 Does the service provider need to develop an individual financial plan (IFP) for clients? [WSR 05-05-077, recodified as § 388-101-2070, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-620, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2080 What information must the IFP include? [WSR 05-05-077, recodified as § 388-101-2080, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-630, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-630, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2090 How does a service provider manage client funds? [WSR 05-05-077, recodified as § 388-101-2090, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-640, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2100 What documentation must service providers keep to protect a client's financial interests? [WSR 05-05-077, recodified as § 388-101-2100, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-650, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-650, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-650, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2110 How are a client's funds transferred when they are managed by a service provider? [WSR 05-05-077, recodified as § 388-101-2110, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-660, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2120 How does a service provider handle loans to a client? [WSR 05-05-077, recodified as § 388-101-2120, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-670, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2130 When must a service provider pay a client? [WSR 05-05-077, recodified as § 388-101-2130, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-680, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2140 What must service providers do to support a client's health? [WSR 05-05-077, recodified as § 388-101-2140, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. WSR 04-04-043, § 388-820-690, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-690, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2150 May a client refuse health care services? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. WSR 05-10-086, § 388-101-2150, filed 5/3/05, effective 6/3/05. WSR 05-05-077, recodified as § 388-101-2150, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-700, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2160 When may client funds be used for health services? [WSR 05-05-077, recodified as § 388-101-2160, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-710, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2300 Client transportation. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 06-18-038, § 388-101-2300, filed 8/29/06, effective 10/1/06. WSR 05-05-077, recodified as § 388-101-2300, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-720, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-720, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2310 What training is required before staff are qualified to perform delegated tasks? [WSR 05-05-077, recodified as § 388-101-2310, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-740, filed 10/26/01, effective 1/1/02.] Decodified by WSR 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as § 388-101-2410.

388-101-2320 Do nursing assistants need to comply with department of health requirements? [WSR 05-05-077, recodified as § 388-101-2320, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-750, filed 10/26/01, effective 1/1/02.] Decodified by WSR 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as § 388-101-2420.

388-101-2330 May an agency or service provider contest a RCS decision? [WSR 05-05-077, recodified as § 388-101-2330, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-880, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-880, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2340 When does an administrative review conference occur? [WSR 05-05-077, recodified as § 388-101-2340, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-890, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-890, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2350 May an administrative review conference be conducted by telephone? [WSR 05-05-077, recodified as § 388-101-2350, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-900, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-900, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2360 What happens during the administrative review conference? [WSR 05-05-077, recodified as § 388-101-2360, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-910, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-910, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2370 May an agency or service provider contest the decision from the administrative review conference? [WSR 05-05-077, recodified as § 388-101-2370, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-920, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-920, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2380 Does RCS make exceptions to the requirements in this chapter? [WSR 05-05-077, recodified as § 388-101-2380, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. WSR 04-23-070, § 388-820-930, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-930, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2400 Who may delegate nursing care tasks? [WSR 05-07-138, recodified as § 388-101-2400, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-730, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2410 What training is required before staff are qualified to perform delegated tasks? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. WSR 05-10-086, § 388-101-2410, filed 5/3/05, effective 6/3/05. WSR 05-07-138, recodified as § 388-101-2410, filed 3/22/05, effective 3/22/05. WSR 05-05-077, recodified as § 388-101-2310, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-740, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2420 Do nursing assistants need to comply with department of health requirements? [WSR 05-07-138, recodified as § 388-101-2420, filed 3/22/05, effective 3/22/05. WSR 05-05-077, recodified as § 388-101-2320, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-750, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2430 Who is authorized to provide consent for a client's receiving health care? [WSR 05-07-138, recodified as § 388-101-2430, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-760, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2440 What rights do nursing assistants have concerning the delegation of nursing care tasks? [WSR 05-07-138, recodified as § 388-101-2440, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-770, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2450 Are nursing assistants liable for errors while doing nursing care tasks? [WSR 05-07-138, recodified as § 388-101-2450, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-780, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2460 What happens if unqualified staff do a nursing task? [WSR 05-07-138, recodified as § 388-101-2460, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-790, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2470 What technical assistance may service providers get from DSHS for nurse delegation requirements? [WSR 05-07-138, recodified as § 388-101-2470, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-800, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2480 What happens when DSHS finds a service provider in violation of nurse delegation requirements? [WSR 05-07-138, recodified as § 388-101-2480, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-810, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2490 May a service provider have a chance to correct violations before being fined? [WSR 05-07-138, recodified as § 388-101-2490, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-820, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2500 May civil fines be imposed during technical assistance visits? [WSR 05-07-138, recodified as § 388-101-2500, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-830, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2510 How does DSHS impose a civil fine? [WSR 05-07-138, recodified as § 388-101-2510, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-840, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2520 When is payment due for a civil fine? [WSR 05-07-138, recodified as § 388-101-2520, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-850, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2530 May a service provider disagree with DSHS findings of a violation? [WSR 05-07-138, recodified as § 388-101-2530, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-860, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2540 May a service provider contest a civil fine? [WSR 05-07-138, recodified as § 388-101-2540, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. WSR 01-22-020, § 388-820-870, filed 10/26/01, effective 1/1/02.] Repealed by WSR 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-3040 Residential services contract. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3040, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0020.

388-101-3190 Service provider responsibilities. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3190, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0025.

388-101-3200 Staffing requirements. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3200, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0030.

388-101-3202 Background checks—National fingerprint background checks. [Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW. WSR 16-18-040, § 388-101-3202, filed 8/30/16, effective 9/30/16.] Decodified by WSR 17-03-062, filed 1/10/17, effective 2/1/17. Recodified as 388-101D-0070.

388-101-3205 Liability insurance required. [Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-3205, filed 1/15/10, effective 2/15/10.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0035.

388-101-3206 Liability insurance required—Commercial general liability insurance or business liability insurance coverage. [Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-3206, filed 1/15/10, effective 2/15/10.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0040.

388-101-3207 Liability insurance required—Professional liability insurance coverage. [Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-3207, filed 1/15/10, effective 2/15/10.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0045.

388-101-3210 Administrative documents. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3210, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0050.

388-101-3220 Administrator responsibilities and training. [Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 12-02-048, § 388-101-3220, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. WSR 10-16-084, § 388-101-3220, filed 7/30/10, effective 1/1/11. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3220, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0055.

388-101-3240 Policies and procedures. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3240, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0060.

388-101-3245 Background check—General. [Statutory Authority: Chapter 71A.12 RCW. WSR 14-14-030, § 388-101-3245, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 12-02-048, § 388-101-3245, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. WSR 10-16-084, § 388-101-3245, filed 7/30/10, effective 1/1/11.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0065.

388-101-3250 Background checks—Requirements for service providers. [Statutory Authority: Chapter 71A.12 RCW. WSR 14-14-030, § 388-101-3250, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 12-02-048, § 388-101-3250, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. WSR 10-16-084, § 388-101-3250, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-3250, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3250, filed 12/21/07, effective 2/1/08.] Decodified by WSR 17-03-062, filed 1/10/17, effective 2/1/17. Recodified as 388-101D-0075.

388-101-3253 National fingerprint-based background checks—Required. [Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. WSR 10-16-084, § 388-101-3253, filed 7/30/10, effective 1/1/11.] Repealed by WSR 12-02-048, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.030 and [71A.12].080.

388-101-3255 Background checks—Provisional hire—Pending results. [Statutory Authority: Chapter 71A.12 RCW. WSR 14-14-030, § 388-101-3255, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 12-02-048, § 388-101-3255, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. WSR 10-16-084, § 388-101-3255, filed 7/30/10, effective 1/1/11.] Decodified by WSR 17-03-062, filed 1/10/17, effective 2/1/17. Recodified as 388-101D-0080.

388-101-3258 Training requirements. [Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 12-02-048, § 388-101-3258, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. WSR 10-16-084, § 388-101-3258, filed 7/30/10, effective 1/1/11.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0085.

388-101-3259 Long-term care worker requirements. [Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW. WSR 16-18-040, § 388-101-3259, filed 8/30/16, effective 9/30/16.] Decodified by WSR 17-03-062, filed 1/10/17, effective 2/1/17. Recodified as 388-101D-0087.

388-101-3260 Staff training. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3260, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0090.

388-101-3270 Staff training before working alone with clients. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3270, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0095.

388-101-3280 Staff training within four weeks of employment. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3280, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0100.

388-101-3290 Staff training within six months of employment. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3290, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0105.

388-101-3300 Staff training to be current. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3300, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0110.

388-101-3302 Certified community residential services and supports—General training requirements. [Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 12-02-048, § 388-101-3302, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. WSR 10-16-084, § 388-101-3302, filed 7/30/10, effective 1/1/11.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0115.

388-101-3310 Approval of staff-coverage schedules. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3310, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0120.

388-101-3320 Client rights. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3320, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0125.

388-101-3330 Treatment of clients. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3330, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0130.

388-101-3340 Subcontracting. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3340, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0135.

388-101-3350 Residential guidelines. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3350, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0140.

388-101-3360 Client services. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3360, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0145.

388-101-3370 Client health services support. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3370, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0150.

388-101-3372 Medical devices. [Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-3372, filed 1/15/10, effective 2/15/10.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0155.

388-101-3375 Nurse delegation. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3375, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0160.

388-101-3380 Client transportation. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3380, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0165.

388-101-3390 Physical and safety requirements. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3390, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0170.

388-101-3400 Services to nonclients. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3400, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0175.

388-101-3410 Community protection clients and other clients in the same household. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3410, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0180.

388-101-3420 Client refusal to participate in services. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3420, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0185.

388-101-3430 Changes in client service needs—Nonemergent. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3430, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0190.

388-101-3440 Changes in client service needs—Emergent. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3440, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0195.

388-101-3450 Service provider refusal to serve a client. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3450, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0200.

388-101-3460 Individual support plan. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3460, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0205.

388-101-3470 Development of the individual instruction and support plan. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3470, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0210.

388-101-3480 Documentation of the individual instruction and support plan. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3480, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0215.

388-101-3490 Implementation of the individual instruction and support plan. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3490, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0220.

388-101-3500 Accessibility of the individual instruction and support plan. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3500, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0225.

388-101-3510 Ongoing updating of the individual instruction and support plan. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3510, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0230.

388-101-3520 Shared expenses and client related funds. [Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-3520, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3520, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0235.

388-101-3530 Individual financial plan. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3530, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0240.

388-101-3540 Managing client funds. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3540, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0245.

388-101-3545 Using client funds for health services. [Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 12-02-048, § 388-101-3545, filed 12/30/11, effective 1/30/12. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3545, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0250.

388-101-3550 Reconciling and verifying client accounts. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3550, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0255.

388-101-3560 Combining service provider and client funds. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3560, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0260.

388-101-3570 Client bankbooks and bankcards. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3570, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0265.

388-101-3580 Client financial records. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3580, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0270.

388-101-3590 Transferring client funds. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3590, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0275.

388-101-3600 Client loans. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3600, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0280.

388-101-3610 Client reimbursement. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3610, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0285.

388-101-3620 Client payment. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3620, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0290.

388-101-3630 Medication services—General. [Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 14-10-028, § 388-101-3630, filed 4/28/14, effective 5/29/14. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3630, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0295.

388-101-3640 Medication—Types of support. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3640, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0300.

388-101-3650 Medication—Self-administration. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3650, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0305.

388-101-3660 Medication assistance. [Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 14-10-028, § 388-101-3660, filed 4/28/14, effective 5/29/14. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3660, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0310.

388-101-3670 Medication administration—Nurse delegation. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3670, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0315.

388-101-3680 Medication administration. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3680, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0320.

388-101-3690 Medication refusal. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3690, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0325.

388-101-3700 Storage of medications. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3700, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0330.

388-101-3710 Medication organizers. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3710, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0335.

388-101-3720 Medications—Documentation. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3720, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0340.

388-101-3730 Disposal of medications. [Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 14-10-028, § 388-101-3730, filed 4/28/14, effective 5/29/14. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3730, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0345.

388-101-3740 Psychoactive medication assessment. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3740, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0350.

388-101-3750 Psychoactive medication treatment plan. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3750, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0355.

388-101-3760 Psychoactive medication monitoring. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3760, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0360.

388-101-3770 Psychoactive medications—Other. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3770, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0365.

388-101-3780 Confidentiality of client records. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3780, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0370.

388-101-3790 Charging for searching and duplicating records. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3790, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0375.

388-101-3800 Retention of client records. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3800, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0380.

388-101-3810 Contents of client records. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3810, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0385.

388-101-3820 Client's property records. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3820, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0390.

388-101-3830 Record entries. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3830, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0395.

388-101-3840 Positive behavior support. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3840, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0400.

388-101-3850 Functional assessment. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3850, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0405.

388-101-3860 Positive behavior support plan. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3860, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0410.

388-101-3870 Client protection. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3870, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0415.

388-101-3880 Group home providers. [Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 14-10-028, § 388-101-3880, filed 4/28/14, effective 5/29/14. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3880, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0420.

388-101-3890 Restrictive procedures. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3890, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0425.

388-101-3900 Restrictive procedures approval. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3900, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0430.

388-101-3910 Physical intervention systems. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3910, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0435.

388-101-3920 Physical interventions. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3920, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0440.

388-101-3930 Restrictive physical interventions. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3930, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0445.

388-101-3940 Physical intervention training. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3940, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0450.

388-101-3950 Mechanical and chemical restraints. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3950, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0455.

388-101-3960 Monitoring physical and mechanical restraints. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3960, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0460.

388-101-3970 Community protection—Approval. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3970, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0465.

388-101-3980 Community protection—Policies and procedures. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3980, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0470.

388-101-3990 Community protection—Treatment team meetings. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3990, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0475.

388-101-4000 Community protection—Staff training. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4000, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0480.

388-101-4010 Community protection—Treatment plan. [Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-4010, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4010, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0485.

388-101-4020 Community protection—Client records. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4020, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0490.

388-101-4030 Community protection—Client transportation. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4030, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0495.

388-101-4040 Community protection—Program residential location. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4040, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0500.

388-101-4050 Community protection—Reducing a client's restrictions. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4050, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0505.

388-101-4060 Community protection—Leaving the program against treatment team advice. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4060, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0510.

388-101-4070 Crisis diversion—Access to services. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4070, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0515.

388-101-4080 Crisis diversion bed services—Location. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4080, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0520.

388-101-4090 Crisis diversion bed services—Services and activities. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4090, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0525.

388-101-4100 Crisis diversion bed services—Treatment plan. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4100, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0530.

388-101-4110 Crisis diversion bed and support service providers—Client records. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4110, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0535.

388-101-4120 Crisis diversion bed services—Client records. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4120, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0540.

388-101-4130 Crisis diversion support services—Location. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4130, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0545.

388-101-4140 Crisis diversion support services—Services and activities. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4140, filed 12/21/07, effective 2/1/08.] Decodified by WSR 16-14-058, filed 6/30/16, effective 8/1/16. Recodified as § 388-101D-0550.

388-101-4210 Community protection program—Circumstances resulting in enforcement remedies. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4210, filed 12/21/07, effective 2/1/08.] Repealed by WSR 16-18-040, filed 8/30/16, effective 9/30/16. Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW.

388-101-4220 Community protection program—Authorized enforcement remedies. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4220, filed 12/21/07, effective 2/1/08.] Repealed by WSR 16-18-040, filed 8/30/16, effective 9/30/16. Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW.

388-101-4230 Community protection program—Considerations for imposing remedies. [Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4230, filed 12/21/07, effective 2/1/08.] Repealed by WSR 16-18-040, filed 8/30/16, effective 9/30/16. Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW.

## DEFINITIONS

**WAC 388-101-3000 Definitions.** "**Abandonment**" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"**Abuse**" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment of a vulnerable adult.

In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish.

Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:

(1) "**Sexual abuse**" means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(2) "**Physical abuse**" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.

(3) "**Mental abuse**" means a willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

(4) "**Personal exploitation**" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(5) "**Improper use of restraint**" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that:

(a) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW;

(b) Is not medically authorized; or

(c) Otherwise constitutes abuse under this section.

"**Associated with the applicant**" means any person listed on the application as a partner, officer, director, or majority owner of the applying entity, or who is the spouse or domestic partner of the applicant.

"**Case manager**" means the division of developmental disabilities case resource manager or social worker assigned to a client.

"**Certification**" means a process used by the department to determine if an applicant or service provider complies with the require-

ments of this chapter and is eligible to provide certified community residential services and support to clients.

**"Chaperone agreement"** means a plan or agreement that describes who will supervise a community protection program client when service provider staff is not present. This plan or agreement is negotiated with other agencies and individuals who support the client, including the client's legal representative and family.

**"Chemical restraint"** means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has a temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

**"Client"** means a person who has a developmental disability as defined in RCW 71A.10.020(4) and has been determined eligible to receive services by the division of developmental disabilities under chapter 71A.16 RCW. For purposes of informed consent and decision making requirements, the term "client" includes the client's legal representative to the extent of the representative's legal authority.

**"Client services"** means instruction and support services that service providers are responsible to provide as identified in the client's individual support plan.

**"Consent"** means express written consent granted after the vulnerable adult or their legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

**"Crisis diversion"** means temporary crisis residential services and supports provided to clients at risk of psychiatric hospitalization and authorized by the division of developmental disabilities.

**"Crisis diversion bed services"** means crisis diversion that is provided in a residence maintained by the service provider.

**"Crisis diversion support services"** means crisis diversion that is provided in the client's own home.

**"Department"** means the Washington state department of social and health services.

**"Financial exploitation"** means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than the vulnerable adult's profit or advantage. Some examples of financial exploitation are given in RCW 74.34.020.

**"Functional assessment"** means a comprehensive evaluation of a client's challenging behavior(s). This evaluation is the basis for developing a positive behavior support plan.

**"Group home"** means a residence that is licensed as either an assisted living facility or an adult family home by the department under chapter 388-78A or 388-76 WAC. Group homes provide community residential instruction, supports, and services to two or more clients who are unrelated to the provider.

**"Group training home"** means a certified nonprofit residential facility that provides full-time care, treatment, training, and maintenance for clients, as defined under RCW 71A.22.020(2).

**"Immediate"** or **"immediately"** means within twenty-four hours for purposes of reporting abandonment, abuse, neglect, or financial exploitation of a vulnerable adult.

**"Immediate risk," "immediate threat," or "imminent danger"** means serious physical harm to or death of a client or serious threat to a client's life, health, or safety.

**"Individual financial plan"** means a plan describing how a client's funds will be managed when the service provider is responsible for managing any or all of the client's funds.

**"Individual instruction and support plan"** means a plan developed by the service provider and the client. The individual instruction and support plan:

(1) Uses the information and assessed needs documented in the individual support plan to identify areas the client would like to develop;

(2) Includes client goals for instruction and support that will be formally documented during the year; and

(3) Must contain or refer to other applicable support or service information that describes how the client's health and welfare needs are to be met (such as, individual financial plan, positive behavior support plan, cross system crisis plan, individual support plan, individual written plan, client-specific instructions).

**"Individual support plan"** means a document that authorizes and identifies the division of developmental disabilities paid services to meet a client's assessed needs.

**"Instruction"** means goal oriented teaching that is designed for acquiring and enhancing skills.

**"Instruction and support services staff"** means long-term care workers of the service provider whose primary job function is the provision of instruction and support services to clients. Instruction and support services staff must also include employees of the service provider whose primary job function is the supervision of instruction and support services staff. In addition, both applicants, prior to initial certification, and administrators, prior to assuming duties, who may provide instruction and support services to clients must be considered instruction and support services staff for the purposes of the applicable training requirements.

**"Legal representative"** means a person's legal guardian, limited guardian when the subject matter is within the scope of the limited guardianship, attorney at law, attorney in fact, or any other person who is authorized by law to act for another person.

**"Long-term care workers"** include all persons who provide paid, hands-on personal care services for the elderly or persons with disabilities, including but not limited to individual providers of home care services, direct care workers employed by home care agencies, providers of home care services to persons with developmental disabilities under Title 71A RCW, all direct care workers in state-licensed assisted living facilities, adult family homes, respite care providers, direct care workers employed by community residential service businesses, and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

**"Managing client funds"** means that the service provider:

(1) Has signing authority for the client;

(2) Disperses the client's funds; or

(3) Limits the client's access to funds by not allowing funds to be spent.

**"Mechanical restraint"** means any device attached or adjacent to the vulnerable adult's body that they cannot easily remove that restricts freedom of movement or normal access to their body. "Mechani-

cal restraint" does not include the use of devices, materials, or equipment that are medically authorized and used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

**"Medication administration"** means the direct application of a prescribed medication whether by injection, inhalation, ingestion, or other means, to the body of the client by an individual legally authorized to do so.

**"Medication assistance"** means assistance with self-administration of medication rendered by a nonpractitioner to a client receiving certified community residential services and supports in accordance with chapter 69.41 RCW and chapter 246-888 WAC.

**"Medication service"** means any service provided by a certified community residential services and support provider related to medication administration or medication assistance provided through nurse delegation and medication assistance.

**"Minimal"** means a violation that results in little or no negative outcome or little or no potential harm for a client.

**"Moderate"** means a violation that results in negative outcome or actual or potential harm for a client.

**"Negative outcome"** includes any negative effect on the client's physical, mental, or psychosocial well-being, including but limited to the client's safety, quality of life, or quality of care.

**"Neglect"** means:

(1) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or

(2) An act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

**"Physical intervention"** means the use of a manual technique intended to interrupt or stop a behavior from occurring. This includes using physical restraint to release or escape from a dangerous or potentially dangerous situation.

**"Physical restraint"** means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include briefly holding without undue force a vulnerable adult in order to calm or comfort them, or holding a vulnerable adult's hand to safely escort them from one area to another.

**"Psychoactive"** means possessing the ability to alter mood, anxiety level, behavior, cognitive processes, or mental tension, usually applied to pharmacological agents.

**"Psychoactive medications"** means medications prescribed to improve or stabilize mood, mental status or behavior. Psychoactive medications include antipsychotics/neuroleptics, atypical antipsychotics, antidepressants, stimulants, sedatives/hypnotics, and antimania and antianxiety drugs.

**"Qualified professional"** means a person with at least three years' experience working with individuals with developmental disabilities and as required by RCW 71A.12.220(12).

**"Recurring"** or **"repeated"** means that the department has cited the service provider for a violation of licensing laws or rules and one or more of the following is present:

(1) The department previously imposed an enforcement remedy for a violation of the same law, rule, or for substantially the same problem within the preceding twenty-four months; or

(2) The department cited a violation of the same law, rule, or for substantially the same problem on two occasions within the preceding twenty-four months.

**"Restrictive procedure"** means any procedure that restricts a client's freedom of movement, restricts access to client property, requires a client to do something they do not want to do, or removes something the client owns or has earned.

**"Risk assessment"** means an assessment done by a qualified professional and as required by RCW 71A.12.230.

**"Serious"** means a violation that results in one or more negative outcomes and significant actual harm to a client that does not constitute imminent danger. It also means there is reasonable predictability of recurring actions, practices, situations, or incidents with potential for causing significant harm to a client.

**"Severity"** means the seriousness of a violation as determined by the actual or potential negative outcomes for clients and subsequent actual or potential for harm. Negative outcomes include any negative effect on the client's physical, mental, or psychosocial well-being (such as, safety, quality of life, quality of care).

**"Service provider"** means a person or entity certified by the department who delivers services and supports to meet a client's identified needs. The term includes the state operated living alternative (SOLA) program.

**"Support"** means assistance a service provider gives a client based on needs identified in the individual support plan.

**"Supported living"** means instruction, supports, and services provided by service providers to clients living in homes that are owned, rented, or leased by the client or their legal representative.

**"Treatment team"** means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individualized supports and services. This group may include, but is not limited to, the case manager, therapist, service provider, employment/day program provider, and the person's legal representative or family, provided the person consents to the family member's involvement.

**"Uncorrected deficiency"** means the department has cited a violation of WAC or RCW following any type of certification evaluation or complaint investigation and the violation remains uncorrected at the time the department makes a subsequent inspection for the specific purpose of verifying whether such violation has been corrected.

**"Vulnerable adult"** includes a person:

(1) Sixty years of age or older who has the functional, mental, or physical inability to care for themselves;

(2) Found incapacitated under chapter 11.88 RCW;

(3) Who has a developmental disability as defined under RCW 71A.10.020;

(4) Admitted to any facility;

(5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(6) Receiving services from an individual provider.

[Statutory Authority: Chapters 71A.12 and 74.34 RCW. WSR 18-07-061, § 388-101-3000, filed 3/15/18, effective 4/15/18. Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW. WSR 16-18-040, § 388-101-3000, filed 8/30/16, effective 9/30/16. Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 14-10-028, § 388-101-3000, filed 4/28/14, effective 5/29/14; WSR 12-02-048, § 388-101-3000, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. WSR 10-16-084, § 388-101-3000, filed 7/30/10, effective 1/1/11. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3000, filed 12/21/07, effective 2/1/08.]

#### **CERTIFICATION AND MONITORING**

**WAC 388-101-3010 Certified community residential services and supports.** In order for a person or entity to deliver client instruction and support services under this chapter the person or entity must:

- (1) Be certified by the department; and
- (2) Be granted a contract by the department.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3010, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3020 Compliance.** The service provider must be in compliance with:

- (1) All the requirements of this chapter. Except that, the licensing requirements for adult family homes and assisted living facilities supersede this chapter if the requirements under respective chapters 388-76 and 388-78A WAC conflict with this chapter;
- (2) The laws governing this chapter, including chapter 71A.12 and 71A.22 RCW;
- (3) The requirements of chapter 74.34 RCW;
- (4) The department's residential services contract. Except that, the requirements of this chapter supersede any conflicting requirements with the contract, or appendices to the contract; and
- (5) Other relevant federal, state and local laws, requirements, and ordinances.

[Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 14-10-028, § 388-101-3020, filed 4/28/14, effective 5/29/14. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3020, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3030 Application required.** (1) A person or entity must complete an application before the department will consider initial certification; and

(2) The service provider must complete an application before the department will consider a request for change of ownership as detailed in WAC 388-101-3060.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3030, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3050 Application for initial certification.** (1) To apply for initial certification an applicant must submit to the department:

- (a) A letter of intent that includes:
  - (i) Contact information;
  - (ii) Geographical area of service; and
  - (iii) Type of service provided, including group home, supported living, community protection, or group training home.
- (b) A completed and signed application on forms designated by the department;
- (c) All attachments specified in the application and any other information the department may request including but not limited to:
  - (i) Administrator resumes;
  - (ii) Statements of financial stability;
  - (iii) Professional references;
  - (iv) Relevant experiences and qualifications of the individual or agency; and
  - (v) Assurances the applicant will not discriminate against any client or employee.
- (d) A copy of the license if applying for certification as a group home;
- (e) The name of the administrator of the program; and
- (f) The department background authorization form for:
  - (i) The applicant;
  - (ii) Anyone associated with the applicant; and
  - (iii) The individual or individuals designated to serve as administrator of the proposed program.

(2) The applicant must submit a revised application, if any information on the application changes before the initial certification is issued.

(3) The department will only process a completed application.

(4) Each person named in the application for initial certification is considered separately and jointly by the department.

(5) Based on the documentation received, the department will notify the applicant in writing regarding the department's certification decision.

(6) The applicant must comply with additional requirements identified in this chapter if intending to support community protection clients.

[Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 12-02-048, § 388-101-3050, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. WSR 10-16-084, § 388-101-3050, filed 7/30/10, effective 1/1/11. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3050, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3060 Change of ownership.** (1) To apply for a change of ownership, an applicant must submit an application and the required reports and documents to the department when there is a change of:

- (a) The business entity ownership; or
  - (b) The form of legal organization.
- (2) When applying for a change of ownership, an applicant may be required to provide any or all items listed in WAC 388-101-3050.
- (3) For group homes, applicants must also meet the applicable change of ownership requirements found in:
- (a) WAC 388-76-10105 for licensed adult family homes; or

(b) WAC 388-78A-2770 through 388-78A-2787 for licensed assisted living facilities.

(4) If the applicant is not a current service provider, the applicant must apply for initial certification.

[Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 14-10-028, § 388-101-3060, filed 4/28/14, effective 5/29/14. Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-3060, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3060, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3070 Notice for change of ownership.** The current service provider must notify:

(1) The department in writing sixty days before a change of ownership; and

(2) Clients or their legal representatives in writing thirty days before a change of ownership.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3070, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3080 The department may deny—Application.** Under WAC 388-101-3090, the department is required to deny an application for initial certification or change of ownership under certain circumstances. The department may also deny an application if any person named in the application has:

(1) Shown a lack of the understanding, character, ability, or emotional stability that is necessary to meet the identified needs of vulnerable adults;

(2) Had a contract terminated or a certification or license revoked or denied by the department, or has been subjected to department enforcement actions;

(3) Had an out-of-state contract or license involving the provision of services to children or vulnerable adults terminated, revoked or denied or has been the subject of an enforcement action related to the out-of-state contract or license;

(4) Obtained or attempted to obtain a license or certification by fraudulent means or misrepresentation;

(5) Relinquished or been denied a license or license renewal to operate a home or facility that was licensed for the care of children or vulnerable adults;

(6) Refused to permit authorized department representatives to interview clients or to have access to client records;

(7) Been convicted of a drug-related conviction within the past five years without evidence of rehabilitation, unless denial is required under WAC 388-101-3090; or

(8) Been convicted of an alcohol-related conviction within the past five years without evidence of rehabilitation; or

(9) Been convicted of any felony that the department determines is reasonably related to the competency of the person to be involved in the ownership or operation of the service provider.

[Statutory Authority: Chapter 71A.12 RCW. WSR 14-14-030, § 388-101-3080, filed 6/24/14, effective 7/25/14. Statutory Authority:

RCW 71A.12.080. WSR 10-03-065, § 388-101-3080, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3080, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3090 The department must deny—Application.** (1) The department must deny an application for initial certification or change of ownership if any person named in the application has:

(a) A disqualifying criminal conviction or pending criminal charge under chapter 388-113 WAC.

(b) Been convicted of a crime in any federal or state court, and the department determines that the conviction is equivalent to a disqualifying conviction under chapter 388-113 WAC.

(2) The department must also deny an application for initial certification or change of ownership if any person named in the application has a disqualifying negative action. The following are considered to be disqualifying negative actions:

(a) A court has issued a permanent restraining order or order of protection, either active or expired, against the person that was based upon abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult;

(b) The person is a registered sex offender;

(c) The person is on a registry based upon a final finding of abuse, neglect or financial exploitation of a vulnerable adult, unless the finding was made by adult protective services prior to October 2003;

(d) A founded finding of abuse or neglect of a child was made against the person, unless the finding was made by child protective services prior to October 1, 1998;

(e) The individual was found in any dependency action to have sexually assaulted or exploited any child or to have physically abused any child;

(f) The individual was found by a court in a domestic relations proceeding under Title 26 RCW, or under any comparable state or federal law, to have sexually abused or exploited any child or to have physically abused any child;

(g) The person has had a contract or license denied, terminated, revoked, or suspended due to abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult; or

(h) The person has relinquished a license or terminated a contract because an agency was taking an action against the individual related to alleged abuse, neglect, financial exploitation or mistreatment of a child or vulnerable adult.

[Statutory Authority: Chapter 71A.12 RCW. WSR 14-14-030, § 388-101-3090, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-3090, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3090, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3100 Certification—Initial.** (1) The department may approve the individual or entity for initial certification when the individual or entity complies with the requirements of this chapter. The department may:

(a) Grant initial certification for up to one hundred and eighty days of the effective date of the residential services contract; and  
(b) Extend initial certification for an additional period up to one hundred and eighty days.

(2) If an applicant does not receive a residential services contract, initial certification will be valid for up to one year.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3100, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3110 Certification—Regular.** (1) The department may approve the service provider for regular certification when the service provider complies with the requirements of this chapter and the residential services contract. The department may:

(a) Grant certification to a service provider for up to two years; and

(b) Extend regular certification for an additional period up to one hundred and eighty days.

(2) If a service provider does not comply with the certification requirements, the department may provisionally certify or decertify a service provider.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3110, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3120 Certification fees.** The certified community residential services and supports provider must submit an annual certification fee. If the provider fails to pay the annual certification fee, the department may impose remedies outlined in WAC 388-101-4175.

[Statutory Authority: Chapter 71A.12 RCW and RCW 71A.12.030. WSR 19-24-031, § 388-101-3120, filed 11/25/19, effective 12/26/19.]

**WAC 388-101-3130 Certification evaluation.** (1) The department may conduct an on-site certification evaluation of each service provider at any time, but at least once every two years.

(2) During certification evaluations the service provider's administrator or designee must:

(a) Cooperate with department representatives during the on-site visit;

(b) Provide all contractor records, client records, and other relevant information requested by the department representatives;

(c) Ensure the service provider's administrator or designee is available during any visit to respond to questions or issues identified by department representatives; and

(d) Ensure the service provider's administrator or designee is present at the exit conference.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3130, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3140 Complaint investigation.** The department may conduct unannounced complaint investigations to determine the service provider's compliance with this chapter, the residential services contract, and applicable laws and requirements.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3140, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3150 State and federal access to program.** The service provider must:

(1) Allow any state or federal department or agency to conduct audits, evaluations, or complaint investigations related to this program or to clients served in this program;

(2) Allow department representatives to review a client's records and activities at any time to see if the service provider continues to address the clients' needs for instruction and support activities;

(3) Allow the department representatives' access to clients, the client's legal representative and family members;

(4) Cooperate with department representatives in the performance of official duties; and

(5) Allow access to clients and client records by an advocacy group if the advocacy group has access authority under state or federal law.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3150, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3160 Plan of correction.** The service provider must:

(1) Submit a signed plan of correction to the department according to established department processes and timelines; and

(2) Include in the plan of correction:

(a) What the service provider did or will do to correct each deficiency;

(b) How the service provider will prevent future problems of this type;

(c) Who will be responsible for monitoring the corrections to ensure the problems do not recur; and

(d) When lasting correction will be achieved.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3160, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3165 Access to certification evaluation report and plan of correction.** The service provider must make the certification evaluation report and related plan of correction available to anyone upon request.

[Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-3165, filed 1/15/10, effective 2/15/10.]

**WAC 388-101-3170 Group training home.** After the effective date of this chapter a person or entity desiring to become a group training home must:

- (1) Complete an application on forms and attachments designated by the department; and
- (2) Currently be:
  - (a) Certified as a community residential services and support provider; and
  - (b) A nonprofit business in accordance with state and federal law.

[Statutory Authority: Chapter 71A.22 RCW and RCW 70.128.030. WSR 18-22-041, § 388-101-3170, filed 10/30/18, effective 11/30/18. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3170, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3180 Department approval of group training home status.** The department will consider, at a minimum, the following when determining whether to approve or deny an application for group training home status:

- (1) The needs of the program;
- (2) Available funding;
- (3) The information received from the applicant;
- (4) The certification history of the applicant;
- (5) The licensing history of the applicant; and
- (6) The capacity of the home.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3180, filed 12/21/07, effective 2/1/08.]

#### **ADMINISTRATIVE REQUIREMENTS**

**WAC 388-101-3230 Group homes.** A service provider who is a licensed adult family home or assisted living facility must:

- (1) Provide care and services in accordance with this chapter and with licensing requirements under chapters 388-76 and 388-78A WAC respectively;
- (2) Comply with client rights requirements in chapter 70.129 RCW and this chapter;
- (3) Comply with the home's licensing requirements if there is a conflict with requirements in this chapter; and
- (4) Comply with this chapter if the requirement is over and above the home's licensing requirements.

[Statutory Authority: RCW 71A.12.030 and [71A.12].080. WSR 14-10-028, § 388-101-3230, filed 4/28/14, effective 5/29/14. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3230, filed 12/21/07, effective 2/1/08.]

#### **INCIDENT REPORTING**

**WAC 388-101-4150 Mandated reporting to the department.** Service providers, administrators, owners, and staff:

- (1) Are mandated reporters and must meet the requirements of chapter 74.34 RCW;

(2) Must make mandated reports to the department's centralized toll free complaint telephone number or fax number immediately when:

(a) There is reasonable cause to believe that a vulnerable adult, as defined in chapter 74.34 RCW, has been abandoned, abused, neglected, or financially exploited; or

(b) There is a reason to suspect physical or sexual assault.

(3) Must also make written and oral reports to the department as specified in the provider's residential services contract;

(4) Must protect the alleged victim and others from further abuse, neglect, abandonment, and financial exploitation; and

(5) May have their certification and/or contract terminated if they fail to report such incidents.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4150, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4160 Mandated reporting to law enforcement.** Service providers, administrators, owners, and staff must immediately report to the appropriate law enforcement agency if there is reason to suspect that any of the following has occurred:

(1) Sexual assault: Any alleged or suspected sexual assault;

(2) Physical assault (nonclient to client): Any suspected physical assault as well as any act that causes fear of imminent harm; and

(3) Physical assault (client to client): Any suspected physical assault that causes bodily injury requiring more than first aid, or in the event of:

(a) Injuries that appear on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal area;

(b) Fractures;

(c) Choking attempts;

(d) Patterns of physical assault between the same vulnerable adults or involving the same vulnerable adults;

(e) A reasonable cause to believe that an act has caused fear of imminent harm; and

(f) Any incident, regardless of injury, if requested by the client, his/her legal representative, or family member.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4160, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4170 Mandated reporting policies and procedures.**

(1) The service provider must develop, train on and implement written policies and procedures for:

(a) Immediately reporting mandated reporting incidents to:

(i) The department and law enforcement;

(ii) Appropriate persons within the service provider's agency as designated by the service provider; and

(iii) The alleged victim's legal representative.

(b) Protecting clients;

(c) Preserving evidence when necessary; and

(d) Initiating an outside review or investigation.

(2) The service provider must not have or implement any policies or procedures that interfere with a mandated reporter's obligation to report.

[Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-4170, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4170, filed 12/21/07, effective 2/1/08.]

## **REMEDIES**

**WAC 388-101-4175 Remedies—General.** (1) The department may take one or more of the following actions in any case which the department finds that a service provider is noncompliant with the requirements of this chapter, the department's residential services contract, the requirements of chapter 74.34 RCW or other relevant federal, state and local laws, requirements or ordinances:

(a) Require a service provider to implement a plan of correction approved by the department and to cooperate with subsequent monitoring of the service provider's progress;

(b) Impose reasonable conditions on a service provider's certification such as correction within a time specified in the statement of deficiency, training, and limits on the type of client the service provider may serve;

(c) Impose civil penalties;

(d) Suspend the service provider from accepting clients with specified needs by imposing a limited suspension of department referrals (stop placement);

(e) Suspend department referrals (stop placement);

(f) Refuse to certify a prospective service provider;

(g) Decertify or refuse to renew the certification of the service provider.

(2) The enforcement actions and penalties authorized in this section are not exclusive or exhaustive and nothing in this section prohibits the department from taking any action authorized in statute or rule or under the terms of a contract with the service provider.

[Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW. WSR 16-18-040, § 388-101-4175, filed 8/30/16, effective 9/30/16.]

**WAC 388-101-4180 Remedies—Consideration for imposing remedies.**

(1) The department may select enforcement actions proportional to the seriousness of harm or threat of harm to clients served by service providers.

(2) The department may select a more severe enforcement action for violations that are:

(a) Uncorrected;

(b) Repeated;

(c) Pervasive; or

(d) Present a serious threat to the health, safety, or welfare of clients served by the service provider.

[Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW. WSR 16-18-040, § 388-101-4180, filed 8/30/16, effective 9/30/16.]

**WAC 388-101-4185 Remedies—Circumstances resulting in enforcement remedies.** The department may impose the enforcement remedies described in this chapter when the service provider:

(1) Failed or refused to comply with the health and safety related requirements of this chapter, chapter 74.34 RCW or the rules adopted under these chapters;

(2) Failed or refused to cooperate with the certification process;

(3) Prevented or interfered with a certification, inspection, or complaint investigation by the department;

(4) Failed to comply with any applicable requirements regarding vulnerable adults under chapter 74.34 RCW;

(5) Knowingly, or with reason to know, made a false statement of material fact related to certification or contracting with the department, or in any matter under investigation by the department;

(6) Failed to submit a plan of correction for approval by the department;

(7) Failed to implement the plan or plans of correction or failed to make a correction imposed under WAC; or

(8) Failed to cooperate with subsequent monitoring.

[Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW. WSR 16-18-040, § 388-101-4185, filed 8/30/16, effective 9/30/16.]

**WAC 388-101-4190 Remedies—Specific provisional certification.**

(1) The department may impose a provisional certification, not to exceed one hundred eighty days, if any service provider does not comply with requirements of this chapter, other applicable laws and rules, or the residential services contract.

(2) At the end of provisional certification the department may:

(a) Approve the service provider for regular certification if the service provider has complied with certification requirements; or

(b) Decertify the service provider and terminate the residential services contract if the service provider has not complied with all certification requirements.

[Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW. WSR 16-18-040, § 388-101-4190, filed 8/30/16, effective 9/30/16. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4190, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4200 Remedies—Specific—Decertification.** The department may decertify a service provider at any time for noncompliance with the requirements of this chapter, the department's residential services contract, the requirements of chapter 74.34 RCW, or other relevant federal, state and local laws, requirements or ordinances.

[Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW. WSR 16-18-040, § 388-101-4200, filed 8/30/16, effective 9/30/16. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4200, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4205 Remedies—Specific—Suspend department referrals (stop placement).** (1) The department may suspend referrals to the service provider for noncompliance with the requirements of this chapter, the department's residential services contract, the requirements of chapter 74.34 RCW, or other relevant federal, state, and local laws.

(2) Once the department suspends referrals, the service provider may not admit new referrals until the department lifts its suspension.

(3) The department may lift its suspension if it finds the following:

(a) The service provider has corrected the deficiencies that necessitated the suspension of the department referrals; and

(b) The service provider has shown the capacity to maintain the corrective action addressed by the suspension of department referrals.

(4) After a department finding of a violation for which a suspension of department referrals has been imposed, the department must make an on-site revisit of the service provider within fifteen working days from the deficiency correction date documented on an acceptable plan of correction. If the deficiency correction date had occurred prior to the department being notified, the department must make an on-site revisit within fifteen working days from the date the department receives the acceptable plan of correction from the service provider.

(5) If during the service provider's suspension period, the department finds a new violation that it reasonably believes will result in a new suspension or limited suspension of department referrals, the service provider's current suspension will remain in effect until the department imposes the new suspension or limited suspension of department referrals.

[Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW. WSR 16-18-040, § 388-101-4205, filed 8/30/16, effective 9/30/16.]

**WAC 388-101-4215 Remedies—Specific—Limited suspension of department referrals (stop placement) for clients with specified needs.**

(1) The department may order a limited suspension of department referrals and prohibit the accepting of clients with specified needs if the service provider is noncompliant with the requirements of this chapter, the department's residential services contract, chapter 74.34 RCW, or other relevant federal, state, and local laws.

(2) Once the department orders a limited suspension, the service provider may not accept any clients with specified needs, or at a specific site, until the department lifts its limited suspension.

(3) The department may lift the limited suspension of department referrals if it finds the following:

(a) The service provider has corrected the deficiencies that necessitated the limited suspension of department referrals; and

(b) The service provider has shown the capacity to maintain the corrective action addressed by the limited suspension of department referrals.

(4) After a department finding of a violation for which a limited suspension of department referrals has been imposed, the department must make an on-site revisit of the service provider within fifteen working days from the deficiency correction date documented on an acceptable plan of correction. If the deficiency correction date had oc-

curred prior to the department being notified, the department must make an on-site revisit within fifteen working days from the date the department receives the acceptable plan of correction from the service provider.

(5) If during the service provider's suspension period, the department finds a new violation that it reasonably believes will result in a new suspension or limited suspension of department referrals, the service provider's current suspension will remain in effect until the department imposes the new suspension or limited suspension of department referrals.

[Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW. WSR 16-18-040, § 388-101-4215, filed 8/30/16, effective 9/30/16.]

**WAC 388-101-4225 Remedies—Specific—Civil penalties.** (1) The department may impose civil penalties if the service provider:

- (a) Fails to implement the plan or plans of correction;
- (b) Fails to make a correction when conditions have been placed on a service provider's certification; or
- (c) Fails to cooperate with the department's subsequent monitoring.

(2) The department may impose civil penalties from the compliance date identified in the approved plan of correction or the statement of deficiencies of:

- (a) Up to one hundred dollars per day per violation; and
- (b) Up to three thousand dollars per violation.

(3) If the service provider fails to submit a plan of correction for approval by the department, the department may impose civil penalties starting ten days after the service provider received the statement of deficiencies.

[Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW. WSR 16-18-040, § 388-101-4225, filed 8/30/16, effective 9/30/16.]

**WAC 388-101-4235 Remedies—Civil fine grid.** The department will consider the tiered sanction grid below when imposing civil fine remedies:

NO HARM	MINIMAL or MODERATE HARM		SERIOUS HARM		IMMINENT DANGER and/or IMMEDIATE THREAT
Repeat/Uncorrected	Initial	Repeat/ Uncorrected	Initial	Repeat/ Uncorrected	Any Violation
Civil fine of up to \$100 per violation	Civil fine up to \$100 per day per violation not to exceed \$500 per violation	Civil fine up to \$100 per day per violation not to exceed \$1000 per violation	Civil fine up to \$100 per day per violation not to exceed \$2000 per violation	Civil fine up to \$100 per day per violation not to exceed \$3000 per violation	Civil fine up to \$100 per day per violation not to exceed \$3000 per violation

[Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW. WSR 16-18-040, § 388-101-4235, filed 8/30/16, effective 9/30/16.]

## INFORMAL DISPUTE RESOLUTION AND APPEALS

**WAC 388-101-4240 Informal dispute resolution.** (1) When a service provider disagrees with the department's finding of a violation or certification action under this chapter, the service provider may request an informal dispute resolution meeting with the department.

(2) The service provider must make a written request to the department for an informal dispute resolution meeting within ten working days of receipt of the written notice of the department's final report of findings and/or certification action.

(3) The service provider must submit a written statement identifying the challenged action, and include specifically the issues and regulations involved.

(4) Except for the imposition of civil penalties, the effective date of enforcement actions may not be delayed or suspended pending any hearing or informal dispute resolution process.

[Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW. WSR 16-18-040, § 388-101-4240, filed 8/30/16, effective 9/30/16. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4240, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4250 Administrative review.** (1) A service provider may request an administrative review of a certification action within twenty-eight days of receipt of the written notice of the department's certification action.

(2) The service provider must make the request in writing and must:

- (a) Sign the request;
- (b) Identify the challenged decision and the date it was made;
- (c) State specifically the issues and regulations involved and the grounds for the disagreement; and
- (d) Include with the request copies of any supporting documentation for the service provider's position.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4250, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4260 Appeal rights.** (1) A service provider:

(a) May contest a decision made by the department pursuant to chapter 71A.12 RCW and according to the provisions of chapters 34.05 RCW and 388-02 WAC;

(b) Must file any request for a hearing with the office of administrative hearings at the mailing address specified in the notice of imposition of an enforcement remedy; and

(c) Must make the request within twenty-eight days of receipt of the written notice of the department's certification action.

(2) Except for the imposition of civil penalties, certification actions are effective immediately upon notice and will continue pending any hearing.

[Statutory Authority: Chapters 71A.12, 74.34, and 74.39A RCW. WSR 16-18-040, § 388-101-4260, filed 8/30/16, effective 9/30/16. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4260, filed 12/21/07, effective 2/1/08.]

#### **ABUSE-NEGLECT FINDING - INDIVIDUAL**

**WAC 388-101-4265 Investigation of reports.** (1) The department may investigate allegations of abandonment, abuse, neglect, or financial exploitation of a client.

(2) The department investigation may include an investigation of allegations about one or more of the following:

- (a) A service provider;
- (b) Anyone associated with a service provider; or
- (c) A client receiving services under this chapter.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4265, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4269 Individual defined.** As used in WAC 388-101-4270 through 388-101-4340, the term "individual" means anyone used by the service provider to provide services to clients who is alleged to have abandoned, abused, neglected, or financially exploited a client. "Individual" includes but is not limited to administrators, employees, contractors, subcontractors, volunteers, and students.

[Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-4269, filed 1/15/10, effective 2/15/10.]

**WAC 388-101-4270 Notice to individual of preliminary findings.** (1) The department will serve notice of the preliminary finding as provided in WAC 388-101-4350.

(2) The department may establish proof of service as provided in WAC 388-101-4360.

[Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-4270, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4270, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4280 Notice to others of preliminary findings.** Consistent with confidentiality requirements concerning the client, witnesses, and reporter, the department may provide notification of a preliminary finding to:

- (1) Other divisions within the department;
- (2) The agency or program identified under RCW 74.34.068 with which the individual was associated as an employee, volunteer or contractor;
- (3) The employer or program that is currently associated with the individual;
- (4) Law enforcement;

- (5) Other entities as authorized by law and this chapter including investigative authorities consistent with chapter 74.34 RCW; and
- (6) The appropriate licensing agency.

[Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-4280, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4280, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4290 Disputing a preliminary finding.** (1) An individual may request an administrative hearing to challenge a preliminary finding made by the department.

(2) The request must be made in writing to the office of administrative hearings.

(3) The office of administrative hearings must receive the individual's written request for a hearing within thirty calendar days of the date written on the notice of the preliminary finding.

(4) The written request for a hearing must include:

(a) The full legal name, current address and phone number of the individual;

(b) A brief explanation of why the individual disagrees with the preliminary finding;

(c) A description of any assistance needed in the administrative appeal process by the individual, including a foreign language or sign language interpreter or any reasonable accommodation for a disability; and

(d) The individual's signature.

[Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-4290, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4290, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4300 Disclosure of investigative and finding information.** (1) Confidential information about clients and mandated reporters received from the department may only be used by the individual to challenge findings through the appeal process. It may only be shared with persons who are involved in the appeal.

(2) Confidential information such as the name and other personal identifying information of the reporter, witnesses, or the client will be redacted from documents unless release of that information is consistent with chapter 74.34 RCW and other applicable state and federal laws.

[Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-4300, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4300, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4310 Hearing procedures to dispute a preliminary finding.** (1) Chapters 34.05 and 74.34 RCW, chapter 388-02 WAC, and the provisions of this chapter govern any appeal regarding a preliminary finding. In the event of a conflict between the provisions of this chapter and chapter 388-02 WAC, the provisions of this chapter shall prevail.

(2) The administrative law judge shall determine whether the preliminary finding is supported by a preponderance of the evidence.

[Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-4310, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4310, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4320 Appeal of the initial order.** (1) If the individual or the department disagrees with the administrative law judge's decision, either party may challenge this decision by filing a petition for review with the department's board of appeals under chapters 34.05 RCW and 388-02 WAC.

(2) If the department appeals the administrative law judge's decision, the department will not modify the finding in the department's records until a final hearing decision is issued.

[Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-4320, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4320, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4330 Finalizing a preliminary finding.** (1) A preliminary finding becomes a final finding when:

(a) The department gives the individual notice of the preliminary finding under WAC 388-101-4270 and the individual does not request an administrative hearing;

(b) The administrative law judge:

(i) Dismisses the appeal following withdrawal of the appeal or default; or

(ii) Issues an initial order upholding the finding and the individual fails to appeal the initial order to the department's board of appeals; or

(c) The board of appeals issues a final order upholding the finding.

(2) The final finding is permanent and will only be removed from the department's records if it is rescinded following judicial review.

[Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-4330, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4330, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4340 Reporting final findings.** (1) The department will report a final finding of abandonment, abuse, neglect, or financial exploitation within ten working days to the following:

(a) The individual against whom the final finding was made;

(b) The service provider that was associated with the individual during the time of the incident;

(c) The service provider that is currently associated with the individual against whom the final finding was made, if known;

(d) The appropriate licensing, contracting, or certification authority; and

(e) Any federal or state registry or list of individuals found to have abandoned, abused, neglected, or financially exploited a vulnerable adult.

(2) The findings may be disclosed to the public upon request subject to applicable public disclosure laws.

[Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-4340, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4340, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4350 Notice—Service complete.** Service of the department notices is complete when:

- (1) Personal service is made;
- (2) The notice is addressed to the service provider or to the individual at his or her last known address, and deposited in the United States mail;
- (3) The notice is faxed and the department receives evidence of transmission;
- (4) Notice is delivered to a commercial delivery service with charges prepaid; or
- (5) Notice is delivered to a legal messenger service with charges prepaid.

[Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-4350, filed 1/15/10, effective 2/15/10.]

**WAC 388-101-4360 Notice—Proof of service.** The department may establish proof of service by any of the following:

- (1) A declaration of personal service;
- (2) An affidavit or certificate of mailing to the service provider or to the individual to whom the notice is directed;
- (3) A signed receipt from the person who accepted the certified mail, the commercial delivery service, or the legal messenger service package; or
- (4) Proof of fax transmission.

[Statutory Authority: RCW 71A.12.080. WSR 10-03-065, § 388-101-4360, filed 1/15/10, effective 2/15/10.]